



Crl.O.P.(MD)No.979 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.979 of 2023

Magesh @ Benjamin Magesh

... Petitioner/
Accused No.2

Vs.

1.The State represented by
The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
(Crime No.246 of 2016)

... Respondent/
Complainant

Agastin @ Jesu Agustin Packiyadurai (Died)

... Respondent/
Defacto
Complainant

2.Antro Francis Amal

... Respondent/
Son of defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the case in P.R.C.No.136 of 2017 pending on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District and quash the same in respect of the petitioner.



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For Petitioner : Mr.A.Kesavan
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.C.Anand

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the entire records pertaining to the case in P.R.C.No.136 of 2017 pending on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District and quash the same in respect of the petitioner.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner and the first accused, due to which, the petitioner and the first accused broke the backside windscreen of the defacto complainant's car, namely, Nissan Dorino bearing Registration No.TN-72-AU-7479 and caused damage to the tune of Rs.6,299/-.

3. The learned counsel appearing for the petitioner would submit that the defacto complainant has lodged a complaint before the first



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respondent and on that basis, FIR came to be registered in Crime No.246 of 2016 and after investigation and filing of the final report, the same was taken cognizance in P.R.C.No.136 of 2017 on the file of the Judicial Magistrate, Valliyoor, Tirunelveli District for the offences under Section 294(b) IPC and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992.

4. The learned counsel appearing for the petitioner as well as the second respondent would submit that the defacto complainant had died on 17.02.2019 and the amount of Rs.6,299/- was already paid to the second respondent/son of the defacto complainant.

5. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

6. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent/son of the defacto complainant and also by their respective counsels. The petitioner and the second respondent/son of the defacto complainant are



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present before this Court and and they were identified by Mr.S.Srinivasan, Head Constable, Valliyoor Police Station, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

7. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Section 294(b) IPC and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992.

8. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Panjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** reported in ***(2017)9 SCC 641*** were taken into consideration.

9. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in P.R.C.No.136 of 2017 as against the



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petitioner pending before the Judicial Magistrate, Valliyoor, Tirunelveli District, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.136 of 2017, on the file of the Judicial Magistrate, Valliyoor, Tirunelveli District, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

15.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Judicial Magistrate,
Valliyoor, Tirunelveli District.
- 2.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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Dated: 15.02.2023